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Art w/att  
1103326-0603

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Eek et al.  
Serial No. : 09/463,920  
Filed : February 1, 2000  
For : NEW PHARMACEUTICAL FORMULATION  
Examiner : Tran, Susan T.  
Group Art Unit : 1615

RECEIVED  
JAN 24 2003  
TECH CENTER 1600/2900

Bef  
1-31-03

I hereby certify that this paper is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to:  
Assistant Commissioner for Patents,  
Washington, D.C. 20231

Andrew Fessak 48,528

Agent Name PTO Reg. No.

Andrew Fessak 1/15/03

Signature Date of Signature

Group 1615  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**INFORMATION DISCLOSURE STATEMENT  
BEFORE MAILING OF EITHER A FINAL ACTION  
OR NOTICE OF ALLOWANCE (37 C.F.R. §1.97(c))**

Sir:

Applicants submit this communication and the attached Form PTO-1449 in compliance with 37 C.F.R. §§1.56, 1.97 and 1.98. A copy of each of the documents listed on the Form PTO-1449 is enclosed as part of this communication.

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**METHOD OF PAYMENT OF FEE**

- Attached is a check in the amount of \$ 180.00.
- Charge Account No. 23-1703 in the amount of \$ 180.00.

If any additional fees are due, please charge the fees to Account No. 23-1703.

Dated: Jan. 15, 2003

Respectfully submitted,

Andrew Fessak  
Andrew Fessak  
Reg. No. 48,528  
Agent for Applicant

White & Case LLP  
Customer No. 007470  
Direct Dial: (212) 819-8437

Consideration of each of the documents listed on Form PTO-1449 is respectfully requested.

**TIME OF TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**

This Information Disclosure Statement is being filed after three months of the filing date of a national application or the entry of the national stage as set forth in §1.491 in an international application or after the mailing date of the first Office Action on the merits, whichever event occurred last, but before the mailing date of either:

- (1) a final action under §1.113 or
- (2) a notice of allowance under §1.311,

whichever occurs first.

**STATEMENT OR FEE**

Accompanying this Information Disclosure Statement is

- A.  a statement as specified in 37 C.F.R. §1.97 (e).

**OR**

- B.  the fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(c). (\$180.00).

**FEE PAYMENT**

Applicants elect the option to pay the fee set forth in 37 C.F.R. 1.17(p) for submission of an information disclosure statement under §1.197(c) (\$180.00).

Fee due \$ 180.00